

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JAMES BENJAMIN ALLEN,)	
)	
Petitioner,)	
)	
v.)	1:23CV5
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on October 10, 2023, was served on the parties in this action. (ECF Nos. 2, 3). Petitioner filed Objections to the Magistrate Judge's Recommendation. (ECF No. 4.)

The Court has reviewed Petitioner's Objections and the Magistrate Judge's Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed, but then **DISMISSED** *sua sponte* without prejudice to Petitioner raising any claims challenging the convictions in 1:22cr150-1 in that case or on direct appeal, or in a later motion under 28 U.S.C. §2255.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 24th day of October 2023.

/s/ Loretta C. Biggs
United States District Judge